

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION**

**LIBERTY LIFE ASSURANCE COMPANY
OF BOSTON and NUCOR CORPORATION
GROUP LIFE BENEFIT PLAN**

PLAINTIFFS

V.

CASE NO. 3:18-CV-03059

**KENNETH B. "BRAD" FARLEY, II, individually;
ESTATE OF KENNETH B. FARLEY, by and through
its duly named administrator, Kenneth B. "Brad" Farley, II;
and ESTATE OF JANE FARLEY, by and
through its duly named administrator, Jon Walters**

DEFENDANTS

ORDER ON INTERPLEADER DEPOSIT AND RESTYLING OF THE CASE

Now pending before the Court is Plaintiffs Liberty Life Assurance Company of Boston's and Nucor Corporation Group Life Benefit Plan's Motion for Leave to Deposit Funds in the Court's registry (Doc. 7). All Defendants have been served in this matter, and only Defendant Estate of Jane Farley has filed a Response to the Motion (Doc. 19). In its Response, the Estate of Jane Farley indicates that it does not object to Plaintiff's request to deposit the disputed life insurance proceeds totaling approximately \$396,000.00, plus interest, with the Court in its registry, and then to dismiss Plaintiffs as parties to this action.

This is an interpleader case in which Plaintiffs claim no interest in the disputed life insurance funds. The dispute centers around whether the Estate of Kenneth B. Farley, by and through the Estate's administrator Kenneth B. "Brad" Farley, II, is entitled to the life insurance proceeds, or whether the Estate of Jane Farley, by and through the Estate's administrator Jon Walters, is entitled to these proceeds. The Court finds that Plaintiffs should be permitted to deposit the disputed funds in the registry of the Court and then withdraw from the lawsuit while the remaining parties litigate the issue of their respective

entitlement to these funds.

IT IS THEREFORE ORDERED that the Motion for Leave to Deposit Funds (Doc. 7) is **GRANTED**. Accordingly, Plaintiffs are directed to deposit into the Court's registry the amount of \$396,000.00, plus any accrued interest, by check or money order made payable to "U.S. District Court" and delivered, together with a copy of this Order, to the Clerk of Court, as soon as practicable after funds are available.

Upon receiving these funds, the Clerk is **DIRECTED** to deposit them into an interest bearing account with an authorized depository as specified in General Order 2016-3 and to retain such funds on deposit until further order of the Court. The Court finds that the funds to be deposited are interpleader funds, or other funds which qualify as "disputed ownership funds" as that term is defined by the Internal Revenue Service (26 C.F.R. § 1.468B-9(b)(1)). Accordingly, the Administrative Office of the United States Courts is hereby authorized and directed to administer the funds, charge fees, and withhold and pay taxes, under its Disputed Ownership Funds system (CRIS DOF).

IT IS FURTHER ORDERED that, upon receipt of the disputed funds, the Clerk of Court is to **DISMISS** Plaintiffs Liberty Life Assurance Company of Boston and Nucor Corporation Group Life Benefit Plan from the case and to terminate them as parties.

The Clerk of Court is **FURTHER DIRECTED** to restyle this case as follows:

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION**

IN RE: \$396,000.00 IN INTERPLEADED FUNDS

CASE NO. 3:18-CV-03059

The Clerk and parties are **FURTHER ADVISED** that Kenneth B. "Brad" Farley, II,

individually, and Estate of Kenneth B. Farley, by and through its duly named administrator, Kenneth B. "Brad" Farley, II, shall be designated the Plaintiffs in this action; and the Estate of Jane Farley, by and through its duly named administrator, Jon Walters, shall be designated the Defendant. All deadlines set forth in the Initial Scheduling Order (Doc. 17) will remain the same.

IT IS SO ORDERED on this 13th day of August, 2018.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE